

**Notice of Allowability**

Application No.

10/813,769

Examiner

LIEN TM NGO

Applicant(s)

DEAN ET AL.

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 3/31/04.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060806.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the abstract:

The abstract in page 14 has been replaced by this abstract:

-- ASTRACT OF THE DISCLOSURE

A container body has a main opening large enough to permit passage of large paintbrushes or sprayer suction lines and filters. This opening is covered with a large cap that comprises a bayonet-type seal. Special features in the cap and in the body combine to provide a swivel pour valve permitting contents of the container to be poured from the can in a controlled manner with no spillage or mess. The cap has a close position, a remove-replace position and a pour position. A sealed-closed position is achieved with cap rotation in a first rotation direction from a first cap remove-replace position and the pour position is achieved by cap rotation in the same rotation direction from a second cap remove-replace position. Preferably a pour vent is provided. It could be covered with a threaded screw or snap-on cover. —

2. The following changes to the drawings have been amended by examiner:

-- PRIOR ART -- has been added in FIGS. 3A, 3B, 4A, 4B, 10 and 10A.

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In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: Claims 1-15 are allowed because the prior art does not disclose or suggest, either alone or combination, a container comprising:

a container body comprising: a top opening having a diameter larger than 4 inches, a plurality of bayonet type threads located along a circumference of said opening, and a pour opening surrounding said top opening; a bayonet type pouring and closing cap covering said first circular opening and comprising: a pour channel extending in a general radial direction out from said circumference; and a plurality of bayonet type threads mating with said plurality of bayonet type threads in said container body so as to provide a closed seal position of said cap sealing said top opening and a pour position sealing said top opening except for said pour channel; wherein said bayonet type pouring and closing cap provides at least four cap positions: a close position, two remove-replace cap position and a pour position, said close position being achieved by placing said cap in one of said two remove-replace cap position and rotating the cap in a first rotation direction to said close position and said pour position being achieved by placing said cap in another of said two remove-replace cap positions and rotating said cap in the said first rotation direction to said pour position or rotating said cap in a second rotation direction opposite said first rotation direction to said pour position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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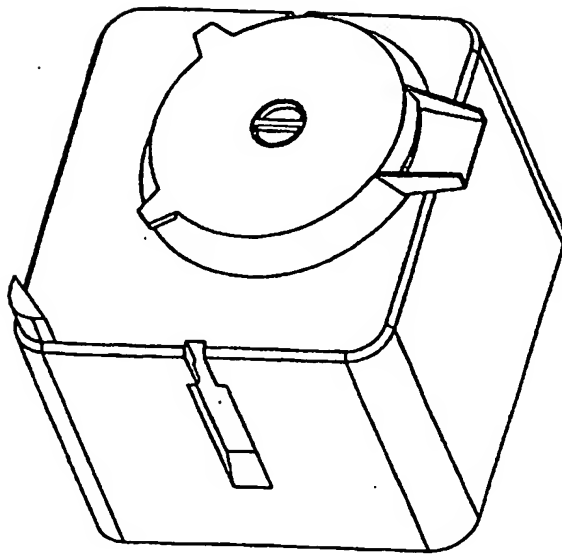
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

August 6, 2006

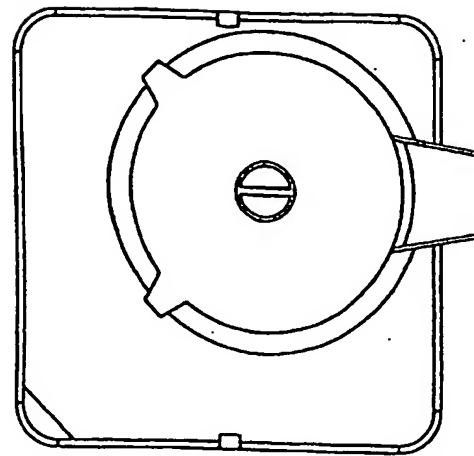


FIG. 3A



PRIOR ART

FIG. 3B



PRIOR ART

56

56

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FIG. 4A

PRIOR ART

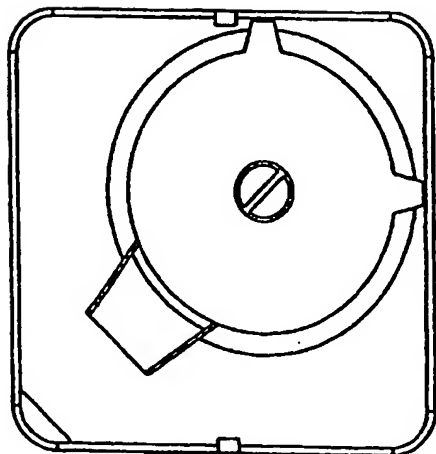


FIG. 4B

PRIOR ART

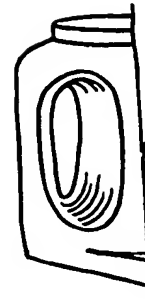
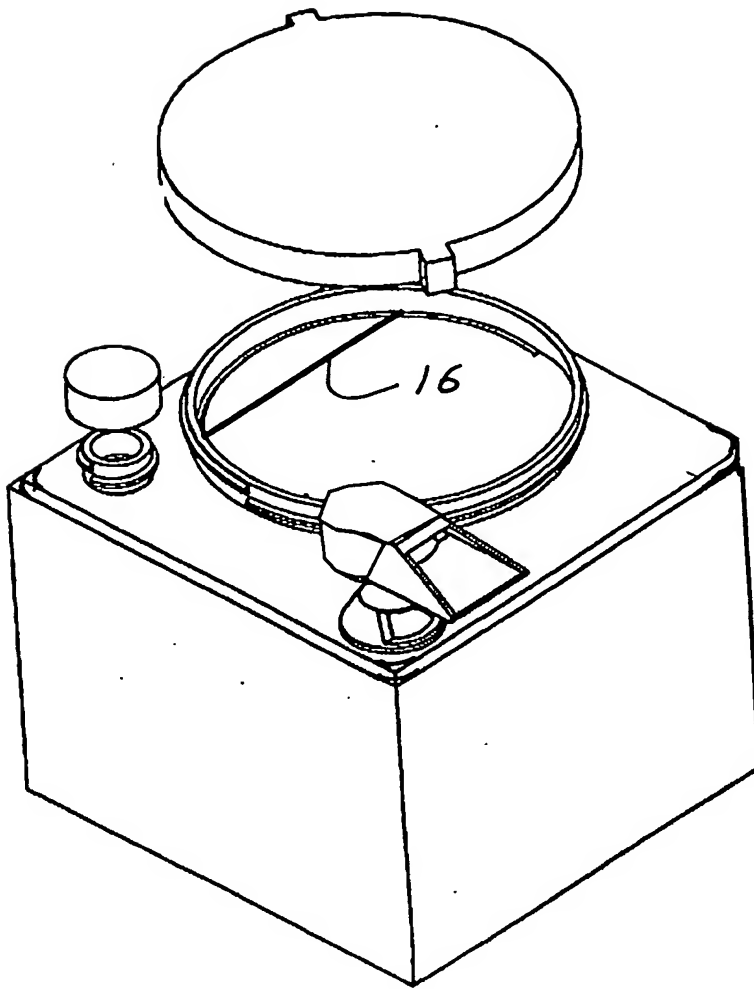


FIG. 11

FIG. 10  
PRIOR ART

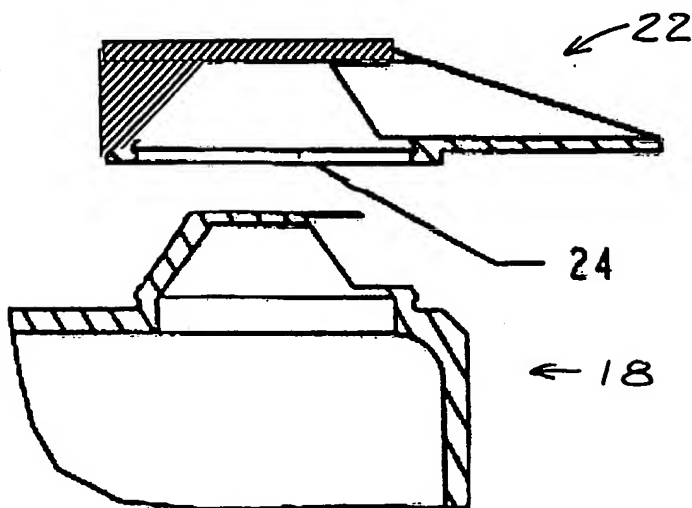


FIG. 10A  
PRIOR ART